

Wetlands Bureau Decision Report

Decisions Taken
04/06/2009 to 04/12/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-01791 PETERBOROUGH, TOWN OF
PETERBOROUGH Contoocook River

Requested Action:

Dredge and fill $\pm 6,142$ sq. ft. of palustrine emergent, forested and excavated wetlands and ± 900 sq. ft. of Contoocook River (30 cu. yds.) for access and upgrades to the existing Peterborough Municipal Wastewater Treatment Facility.

APPROVE PERMIT:

Dredge and fill $\pm 6,142$ sq. ft. of palustrine emergent, forested and excavated wetlands and ± 900 sq. ft. of Contoocook River (30 cu. yds.) for access and upgrades to the existing Peterborough Municipal Wastewater Treatment Facility.

With Conditions:

1. All work shall be in accordance with plans by Woodard & Curran dated March 2008, as received by the Department on September 02, 2008.
2. This permit is contingent on approval by the DES Shoreland Program.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the Wastewater Engineering Bureau.
5. The applicant shall submit a diffuser construction plan to the DES Watershed Management Bureau, Water Quality Planning Section and copy the DES Wetlands Bureau at least 90 days prior to the construction of the diffuser. The plan shall include a schedule indicating the time of year and duration of construction, measures that will be taken to control turbidity during construction, and a turbidity sampling plan. Once approved by DES, the applicant shall then implement the approved plan.
6. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
7. Work shall be done during low flow conditions.
8. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final water diversion/erosion control plans prior to construction. Those plans shall detail the timing and method of diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. There shall be no excavation or operation of construction equipment in flowing water.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior construction.
22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
24. Banks shall be restored to their original grades, to the maximum extent possible, and to a stable condition within three days of completion of construction.
25. Native material removed from temporary impact areas (not areas approved for riprap installation by this permit) on the riverbed shall be stockpiled separately and reused to restore the natural channel bottom within 3 days following the completion of construction.
26. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation, excluding riprap locations, to be revegetated with native like species within three days of the completion of this project.
27. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
28. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
29. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), Removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. No comments were submitted from the federal agencies, Contoocook and North Branch Rivers LAC, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Conservation Commission signed the Minimum Impact Expedited Application.
3. The access upgrades are required to meet anticipated required effluent standards and wastewater of the Town of Peterborough.
4. The applicant has received written consent from the owners of lots 022-000 and 013-000 (Tax Map R008), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2008-02307 **IANNAZZI, WILLIAM**
GILFORD **Lake Winnepesaukee**

Requested Action:

Remove an existing "L" shaped breakwater and "E" shaped docking facility constructed in excess of originally permitted dimensions. Construct 70 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline, and a 2 ft 6 in x 29 ft cantilevered pier accessed by a 6 ft x 40 ft cantilevered walkway with a 3 ft x 29 ft finger pier and 3 tie-off pilings. Install a seasonal boatlift and a 28 ft x 30 ft canopy. Dredge 12 cu yd from 300 sq ft of lakebed. All work proposed on property having an average of 160 ft of frontage on Governor's Island, on Lake Winnepesaukee.

DENY PERMIT:

Remove an existing "L" shaped breakwater and "E" shaped docking facility constructed in excess of originally permitted dimensions. Construct 70 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline, and a 2 ft 6 in x 29 ft cantilevered pier accessed by a 6 ft x 40 ft cantilevered walkway with a 3 ft x 29 ft finger pier and 3 tie-off pilings. Install a seasonal boatlift and a 28 ft x 30 ft canopy. Dredge 12 cu yd from 300 sq ft of lakebed. All work proposed on property having an average of 160 ft of frontage on Governor's Island, on Lake Winnepesaukee.

With Findings:

Standards for Approval

1. Pursuant to Rule Env-Wt 101.14 "Canopy" means a seasonal open structure with a flexible fabric roof not able to withstand the expected snow load and without side walls, which is erected to shelter watercraft during the boating season.
2. Pursuant to Rule Env-Wt 101.82 "Seasonal dock or seasonal structure" means a dock or any other structure that is designed and constructed such that the structure and all associated supports can be completely removed from the surface water and its bed during the non-boating season, including but not limited to pipe docks, floating docks, and watercraft lifts.
3. Pursuant to Rule Env-Wt 101.29 "Dock" as a noun or "docking facility" means a structure intended for securing of watercraft and/or to discharge and load passengers, freight, and other goods whether the structure is in the water or not.
4. Pursuant to Rule Env-Wt 101.65 "Permanent dock" means a dock in which the dock, its supports, or both are designed to remain in the bank or surface water bottom throughout the non-boating season. Permanent docks can be supported by piles or cribs in the water or can be cantilevered from the bank.
5. Pursuant to Env-Wt 101.68 "Pile" means a long, slender column of timber, steel, concrete, stone, or other rigid material driven or jetted into a beach, bank or bottom of a water body.
6. In accordance with Rule Env-Wt 501.02,(c)(2) and (3), Additional Data Requirements, the applicant shall submit the completed application to the department along with the footprint of all existing and proposed structures on the property and the intended use of each proposed structure.
7. In accordance with Rule Env-Wt 303.02, Major Projects, (j) construction or modification of docking facilities associated with a breakwater.

Findings of Fact

1. On October 20, 2008 the Department received an application to remove an existing breakwater and docking facility constructed in excess of originally permitted dimensions and construct a breakwater and docking facility that meets the original permit. One finger pier would be removed and replaced with tie-off pilings, a seasonal canopy and seasonal boatlift would be installed, and 300 sq ft of slip area would be dredged on property identified as Gilford tax map 218, lot 1.
 2. The application also requested to impact 360 sq ft of bank along 30 ft of shoreline to construct a perched beach immediately adjacent to a 322 sq ft patio. The impacts associated with the proposed beach have been withdrawn by the Applicant. Any compliance action necessary to address the patio constructed within the bank without a permit and the construction of the docking facilities in excess of the permitted dimensions shall be conducted separately.
 3. The overview plans submitted with the original application use two separate symbols to signify proposed pilings.
 4. On December 29, 2008, the Wetlands Bureau issued a Request for More Information letter that explained that the pilings as represented on the overview plan did not appear to match those shown on the cross section plan. The letter requested that the plans be revised to clarify the piling locations. The letter also explained that piling which served no purpose other than to support a "seasonal" structure were not approvable.
 5. On January 28, 2009, the Department received a response to the Request for More Information which included a revised cross section for the project.
 6. The proposed seasonal boatlift does not appear in the cross section.
 7. Pilings as illustrated on the cross section appear to serve no purpose other than to support the canopy.
 8. The "tie-off posts" as labeled on the cross-section are long, slender, and driven into the lake bed, and as such, meet the definition of "pile".
- The proposed canopy would be piling supported and, therefore, could not be considered a "seasonal structure" as defined per Rule Env-Wt 101.82.

9. The Department does not permit piling for the purpose of supporting a canopy, which by definition, must be seasonal.
10. The Department does not prohibit the attachment of seasonal canopy supports to legally existing or permitted permanent structures where they are available.
11. If the Applicant were to propose, and submit plans for, a permanent boatlift at this location it would meet the current Wetlands Program Code of Administrative Rules and would be approvable.
12. The use of tie-off pilings instead of the pre-existing finger pier would meet the current Wetlands Program Code of Administrative Rules and would be approvable

Rulings in Support of the Decision

1. The Applicant has failed to show the requested seasonal boatlift on the plans as required per Rule Env- Wt 501.02,(c)(2) and (3), and, therefore, the application is denied.
2. The Applicant failed to clearly identify the purpose of the proposed piling on the plans as required per Rule Env- Wt 501.02,(c)(2) and (3), and, therefore, the application is denied.
3. The construction of permanent supports for the sole purpose supporting a structure that is seasonal would not meet the definition of "seasonal structure" outlined in Rule Env-Wt 101.82, and therefore, would not be approvable.

2008-02760 PORTILLA, ROBERT & CANDANCE **GILFORD Lake Winnepesaukee**

Requested Action:

Fill 660 sq ft to construct 44 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 40 ft cantilevered pier connected to a 6 ft x 40 seasonal dock by a 4 ft x 12 walkway with a seasonal boatlift and two seasonal personal watercraft lifts on an average of 351 ft of frontage on Lake Winnepesaukee, Gilford.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Fill 660 sq ft to construct 44 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 40 ft cantilevered pier connected to a 6 ft x 40 seasonal dock by a 4 ft x 12 walkway with a seasonal boatlift and two seasonal personal watercraft lifts on an average of 351 ft of frontage on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Winipesaukee Marine Construction dated March 10, 2009, as received by the Department on March 11, 2009.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.

10. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 351 feet of frontage along Lake Winnepesaukee, Gilford.
4. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.13.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.

-Send to Governor and Executive Council-

2009-00093 HIBBLE, BARRY & LILIANE
NEW CASTLE Piscataqua River

Requested Action:

Construct a 4 ft. x 50 ft. fixed timber pier on pilings with a 3 ft. x 30 ft. gangway to a 10 ft. by 20 ft. seasonal float (LOA = 95 ft.), with a minimum clearance from the bottom of the deck support members to the marsh surface of 4 feet, on 134 ft. of shoreline frontage on the Piscataqua River.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission intervened on this application, but no follow-up report or further comments were received.

Inspection Date: 03/31/2009 by Frank D Richardson

APPROVE PERMIT:

Construct a 4 ft. x 50 ft. fixed timber pier on pilings with a 3 ft. x 30 ft. gangway to a 10 ft. by 20 ft. seasonal float (LOA = 95 ft.), with a minimum clearance from the bottom of the deck support members to the marsh surface of 4 feet, on 134 ft. of shoreline frontage on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated 04/01/09, as received by DES on April 03, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the New Castle Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. The decking support structure of the dock shall have a minimum of 4 feet clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.

5. The seasonal float shall be removed for the non-boating season and stored landward of the highest observable tide line.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 31, 2009. Field inspection determined the pier as redesigned will have no adverse impact on the fringing salt marsh at this location.
6. The Chief Harbor Master for Pease International Ports and Harbors states: "We examined the proposed site and found that the project would have no negative effect on navigation in the channel."

-Send to Governor and Executive Council-

2009-00352 HENDRICK, THOMAS
NEWMARKET Prime Wetland

Requested Action:

Installation of eleven 1.75 inch piezometers impacting a total of 2 square feet of impact in Newmarket Designated Prime Wetlands SE-01, SE-02, SW-03, and SW-06.

APPROVE PERMIT:

Installation of eleven 1.75 inch piezometers impacting a total of 2 square feet of impact in Newmarket Designated Prime Wetlands SE-01, SE-02, SW-03, and SW-06.

With Conditions:

1. All work shall be in accordance with plans by Emery & Garrett Groundwater Inc. dated 2/24/2009, as received by DES on 2/27/2009.
2. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
3. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
4. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the 100-foot prime wetland buffer. The placement of fill, construction of structures, or storage of vehicles or hazardous materials is prohibited.
5. Any additional human activities within the Prime Wetlands or 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
6. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
7. The piezometers shall be removed at the end of the 2-8 month monitoring period, and documentation of removal shall be submitted to DES immediately thereafter. Any further installation of new, or retention of existing piezometers, or installation of permanent wells, shall require submission of a new application and new permitting prior to new work occurring.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.

2. A prime wetlands public hearing was held on 3/23/2009.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The piezometers will provide necessary data in support of proposed expansion of the public water supply for the Town of Newmarket.
4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The eleven piezometers are only 1.75 inches in diameter each, and will be placed strategically to minimize access impacts, and will be temporary.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. Both the NH Natural Heritage Bureau and the NH Fish & Game Department have reviewed the project with respect to plant and wildlife species of concern reported for the the project area, and provided comments stating that there are no impacts expected to the any of the species as a result of the project.
6. The submitted plans accurately locate the boundary of the wetlands and prime wetlands.
7. The erosion controls, water velocity controls, stabilization methods, will protect the ability of the wetlands to retain floodwaters and silt.
8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
9. Based on findings #1-8 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

MINOR IMPACT PROJECT

2008-01609 HEARTBREAK HOTEL LLC
BARTLETT Unnamed Wetland

Requested Action:

Proposal to dredge and fill 9,900 sq. ft. of forested wetlands for construction of a retail/commercial facility ("Dunkin Donuts") along Route 16/302 in Bartlett.

APPROVE PERMIT:

Dredge and fill 9,520 sq. ft. (includes 500 sq. ft. of temporary impacts) of forested wetlands for construction of a retail/commercial facility ("Dunkin Donuts") along Route 16/302 in Bartlett. In addition, due to cumulative wetlands impacts with an adjacent project (1,825 sq. ft.) the applicant will be providing compensatory mitigation in the form of 16,850 sq. ft. of onsite forested and scrub shrub wetlands restoration.

With Conditions:

1. All work shall be in accordance with plans by Engineering Assistance & Design Inc., plan sheet titled "Erosion Control Details" revision dated August 1, 2008, as received by DES on August 11, 2008, plan by Ammonoosuc Survey Company, Inc., plan titled "Wetlands Impact Plan" revision dated January 5, 2009 as received by DES on January 16, 2009 and plan titled "Wetland Restoration Plan" revision dated March 3, 2009 and plan by Engineering Assistance & Design Inc., plan titled "Wetlands Restoration Erosion Control Details" revision dated March 3, 2009 and wetlands restoration plan/narratives by B. H. Keith Associates, as received by DES on March 13, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for the 2 lots (merged into 1) shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

10. Orange construction fencing shall be placed at the limits of construction and restoration areas to prevent accidental encroachment on wetlands.

11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

15. Restoration of temporary wetlands impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

16. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

Compensatory Mitigation:

17. This permit is contingent upon the restoration of 16,850 sq. ft. of wetlands in accordance with plans received by DES on March 13, 2009.

18. This permit is contingent on receipt and approval by DES and the USEPA of the final deed restriction language and plan that includes all final property boundaries and deed restriction area for the entire boundary of the merged lots. Once the plan and language is approved it shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

19. The schedule for construction of the restoration area shall coincide with site construction.

20. The restoration/creation area shall be properly constructed, monitored, and managed in accordance with approved plans and narratives.

21. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

22. The permittee shall designate a New Hampshire Certified Wetland Scientists ("CWS") who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

23. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.

24. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

25. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

26. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during

construction and during the early stages of vegetative establishment.

27. A post-construction report prepared by the CWS documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The facility will replace the applicant's previous franchise that was closed due to the expiration of the lease and need for a larger facility with the potential for drive-thru traffic.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant investigated 71 properties based on 12 required criteria consisting of: proximity to Route 16/302, commercial zoning, speed limit of 40 MPH or less, lot size that would meet zoning and size requirements for this type of restaurant and drive-thru, unrestricted access and egress, site visibility, wetlands and soil conditions, topography, area for onsite septic, municipal water, cost and availability.
6. The proposed development site was chosen as the preferred property based on the 12 criteria.
7. The applicant has reduced the proposed wetlands impacts from 9,900 square feet to 9,020 square feet of permanent wetlands impacts.
8. The existing site and wetlands consists of a mowed grass area, forested uplands, an existing retail facility and historically disturbed wetlands.
9. The site and wetlands have been historically disturbed from past land uses and the construction and relocation of Route 16 and 302.
10. Due to previous impacts adjacent to the site and related subdivision the cumulative impacts within the last 5-years are 10,845 square feet, which requires compensatory mitigation for the impacts.
11. The applicant had originally proposed to restore approximately 13,291 square feet of historically impacted wetlands to offset impacts needed to construct the retail facility, however, due to the additional cumulative wetlands impacts the applicant is required to provide compensatory mitigation that meets the required ratios per Env-Wt 803.05. The applicant has revised the original design to now restore 16,850 square feet of wetlands restoration, which exceeds the mitigation ratios required for the proposed impacts.
12. The proposed wetlands restoration will remove historic road impacts (pavement, culverts and fill) within the interior of the lot and adjacent to higher value wetlands.
13. The proposed restoration results in a net gain of 6,005 square feet of forested and scrub shrub wetlands and a larger contiguous wetland system that would not have been accomplished without the development of the new commercial facility.
14. Investigation conducted by the applicant's agent suggests that all historic impacts on the site were created in the 1960s.
15. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
16. The wetlands to be permanently impacted are along the existing highway and retail facility and have been historically impacted. There appears to be higher function and value wetlands on the interior of the lot that would benefit from the proposed restoration.
17. The project includes onsite stormwater treatment and detention.
18. DES received a comment letter from the US Department of the Army, Corps of Engineers ("ACOE") indicating that the project is ineligible for the NH Programmatic General Permit ("PGP").
19. The comments from ACOE were to address concerns of the US Environmental Protection Agency ("EPA") for the lack of appropriate mitigation and a vernal pool study.
20. The applicant's agent conducted a survey for vernal pools. No vernal pools were found.
21. The project has been revised to include a mitigation area that will be protected by deed restriction from future impacts or development.
22. The permit is contingent on review and approval of the final deed restriction area plan and deed language by DES and the EPA before the start of construction.
23. DES has received correspondence from the EPA suggesting they approve of the original mitigation proposal and can more forward as a PGP project.
24. The revised project includes less wetlands impacts and additional mitigation area.
25. The applicant has provided a written agreement from the abutter where work in wetlands is within 20 feet of property boundary per Administrative Rule Env-Wt 304.04.
26. Due to the remaining wetlands onsite, minimal remaining uplands, proposed restoration and proposed deed restriction no further

wetland impacts will be allowed on the merged lots unless needed for restoration activities.

27. The permit is conditioned with no further impacts to wetlands.

28. A waiver has been submitted in accordance with Administrative Rule Part Env-Wt 204 to address the Administrative Rule Env-Wt 304.09(c) that was applied to the previous subdivision and Wetlands Bureau permit File #2004-01677.

29. The applicant indicates that the intent of the previous permit and condition was for access to the proposed 5 residential lots conveyed to the current abutter with the remainder of the lot to be retained for future commercial development.

30. The applicant suggests the previous impacts were minimized and avoided for access and no further impacts would be required for the 5-lot residential subdivision.

31. The applicant suggests that at the time of the previous wetlands permit conceptual commercial uses were being contemplated.

32. The applicant suggests that the previous restriction were intended for only the 5-lot residential portion and did not include the additional commercial lots.

33. The applicant suggests that the proposal will allow reasonable development of the property.

34. DES has not received any comments in opposition to the proposed project.

35. The applicant has received a written agreement from the abutter located in the previously approved subdivision.

36. The department reviewed the previous wetlands permit file and it does include plans that depicts future development of the lots along Route 16/302.

37. It appears from the language of the previous permit description that the permit condition of no further wetlands impacts was intended for only the 5 residential lots and access.

38. The proposed development will result in an increase of wetlands on the site.

39. The commercial lots are being combined into one lot, with and new sewage disposal system and municipal water for both commercial facilities.

40. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Administrative Rule Env-Wt 304.09(c).

41. The waiver is granted in accordance with Env-Wt 204.04(2)(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2008-02471

OSSIPEE BLUFFS ASSOCIATION INC

OSSIPEE Ossipee Lake

Requested Action:

Dredge 18 cubic yards from two areas totaling 3,200 sq ft within a man-made dug-in basin on Ossipee Lake, in Ossipee.

Conservation Commission/Staff Comments:

No Con Com comments by January 20, 2009

APPROVE PERMIT:

Dredge 18 cubic yards from two areas totaling 3,200 sq ft within a man-made dug-in basin on Ossipee Lake, in Ossipee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Inc revision dated February 09, 2009, as received by DES on February 11, 2009.
2. Work shall be done during drawdown.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This permit does not allow for the removal of any vegetation from the boat basin unless all work is done in compliance with Env-Wt 303.05(e).
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. This is maintaining an existing man made dug in basin to originally proposed dredge elevations.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2009-00098 STM TRUST, JAMES MONAGLE
HAMPTON Tidal Buffer**

Requested Action:

Perform construction activities within 1,994 sq. ft. of the previously developed tidal buffer zone (1,186 sq. ft. permanent and 808 sq. ft. temporary impacts), with a 10 percent reduction in impervious surface on the lot, to remove the existing structure and construct a new two-family dwelling within the footprint of the existing structure.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a wetlands permit for work at 4 Chase St per the plan with the revision date of January 1, 2009.

Inspection Date: 02/27/2009 by Frank D Richardson

APPROVE PERMIT:

Perform construction activities within 1,994 sq. ft. of the previously developed tidal buffer zone (1,186 sq. ft. permanent and 808 sq. ft. temporary impacts), with a 10 percent reduction in impervious surface on the lot, to remove the existing structure and construct a new two-family dwelling within the footprint of the existing structure.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated 11/08 (last revised 1/9/09), as received by DES on January 19, 2009.
2. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
3. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. There shall be no further alteration of areas in NH DES Wetlands jurisdiction for lot development, driveways or other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a)&(b).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 27, 2009. Field inspection determined the redevelopment of this previously developed property as proposed will have no deleterious effect of the nearby tidal marsh.

2009-00233 **CONATY, WILLIAM & SUE**
SUNAPEE Lake Sunapee

Requested Action:

Retain a seasonal boatlift and canopy, install a second seasonal boatlift and two seasonal, personal watercraft lifts, construct a 6 ft x 26 ft seasonal pier to be connected to the existing 8 ft x 37 ft 3 in crib pier by a proposed 6 ft x 10 ft seasonal walkway on an average of 200 ft of frontage on Lake Sunapee.

Conservation Commission/Staff Comments:

Con Com submitted comments with no concerns

DENY PERMIT:

Retain a seasonal boatlift and canopy, install a second seasonal boatlift and two seasonal, personal watercraft lifts, construct a 6 ft x 26 ft seasonal pier to be connected to the existing 8 ft x 37 ft 3 in crib pier by a proposed 6 ft x 10 ft seasonal walkway on an average of 200 ft of frontage on Lake Sunapee.

With Findings:

Standards for Approval

1. In accordance with Rule Env-Wt 402.06 "Permanent Docks, an application for a permanent dock shall be approved only when an applicant establishes that the proposed site for the dock is exposed to a design fetch of at least 1 mile between compass headings 245 to 340 degrees, or a design fetch of at least 2 miles between compass headings 341 to 0 or 0 to 244 degrees, as measured from true north."
2. In accordance with Rule Env-Wt 402.03 (a), Dimensions, approvable standard dimensions for a permanent dock shall not exceed a deck width of 6 feet and deck length of 30 feet in lakes and ponds of 1,000 acres or more.
3. Pursuant to Rule Env-Wt 402.21, Modification of Existing Structures, the department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.
4. This project is classified as a minor impact per Rule Env-Wt 303.03(d), "construction or modification of any permanent docking facility that provides fewer than 5 slips.

Findings of Fact

1. On February 23, 2009, the Wetlands Bureau received an application to retain a seasonal boat lift and canopy, add a second seasonal lift and 2 personal watercraft lifts, and construct a new seasonal pier and walkway to be connected to an existing crib pier on property more particularly identified as Sunapee tax map 128, lot 66 (the "Property").
2. The existing crib pier measure 8 ft wide x 37 ft 3 in long and as such fails to conform to the limits set in Rule Env-Wt 402.02.
3. The Property is not exposed to sufficient fetch to justify the construction of a permanent crib pier as established in Rule Env-Wt 402.06.
4. The addition of the seasonal pier and walkway to the existing crib pier would add 1 slip to the facility and increase the square feet of construction surface area over public submerged lands by 216 sq ft.
5. The addition of the seasonal sections to the existing non-conforming pier will not reduce the environmental impact of that pier.
6. The plans submitted with the application failed to show the existing granite steps to the pier and retaining wall to the west of the pier.

Ruling in Support of the Decision

1. The Applicant's proposal to expand the existing non-conforming crib pier fails to meet the criteria of Rule Env-Wt 402.21 and, therefore is not approvable.

MINIMUM IMPACT PROJECT

2009-00035 CHASE POND CONDOMINIUMS, MICHAEL GOLAY WILMOT Chase Pond

Requested Action:

Temporarily impact 1887 of lake bed and 326 square feet of bank for the repair of footings and resurfacing of an existing dam on Chase Pond, Wilmot.

APPROVE PERMIT:

Temporarily impact 1887 of lake bed and 326 square feet of bank for the repair of footings and resurfacing of an existing dam on Chase Pond, Wilmot.

With Conditions:

1. All work shall be in accordance with plans by CLD Engineers dated December 2008 and revised through March 11, 2009 as received by the Department on March 18, 2009.
2. The permittee or authorized agent shall coordinate the draw down with NH Fish and Game to verify adequate flows for fish passage.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
6. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
7. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
8. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
9. Work shall be done during drawdown.
10. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. No equipment shall enter the water.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. The base of the proposed cofferdam shall be lined with an erosion control matting or other fabric to segregate the cofferdam material from the natural substrates.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.

23. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

19. Area of temporary impact shall be regraded to original contours following completion of work.

20. All material not used to meet original grade shall be placed out of DES's jurisdiction.

21. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x); Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet, provided: No change in location, configuration, construction type, or dimensions is proposed;
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00078 COLEBROOK, TOWN OF
COLEBROOK Mohawk River

Requested Action:

Dredge and fill 7,705 square feet within the bed and banks of the Mohawk River (impacting approximately 350 linear feet) to install 2 bank protection logjam structures, 12 individual log placements, and to excavate a cut-off channel downstream of the Town of Colebrook wastewater treatment facility. The project will decrease sediment load that is transported from the Mohawk River to the Connecticut River which is causing severe lateral bank erosion adjacent to the Colebrook Industrial Park.

APPROVE PERMIT:

Dredge and fill 7,705 square feet within the bed and banks of the Mohawk River (impacting approximately 350 linear feet) to install 2 bank protection logjam structures, 12 individual log placements, and to excavate a cut-off channel downstream of the Town of Colebrook wastewater treatment facility. The project will decrease sediment load that is transported from the Mohawk River to the Connecticut River which is causing severe lateral bank erosion adjacent to the Colebrook Industrial Park.

With Conditions:

1. All work shall be in accordance with plans and revisions by Field Geology Services, as received by DES on January 14, 2009 and on March 6, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. The permittee shall designate a qualified fluvial geomorphologist or professional engineer who will be responsible for monitoring and ensuring that the logjams and log placements are constructed in accordance with the plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. During construction, on-site monitoring shall include turbidity monitoring which includes background sampling as well as a downstream location that is within 1,000 feet of the impact areas.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow conditions.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

9. Within three days of final grading or temporary suspension of work in an area that is in wetlands or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid, and faulty equipment shall be repaired prior to entering surface waters or wetlands.
11. The contractor shall have appropriate oil spill kits readily accessible at all times during construction and each operator shall be trained in their use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
14. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
15. The permittee or a designee shall conduct a follow-up inspection after the first growing season to review the success of the logjams and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the logjams.
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposes to restore and stabilize an actively eroding riverbank by installing in-stream structures made of natural materials and by decreasing sediment load.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The purpose of the project is to prevent further downstream erosion and lateral bank instability by installing logjam structures and excavating with fluvial geomorphology considerations.
6. The project is funded by DES, NH Fish & Game Dept., US EPA, the Fifteen-Mile Falls Mitigation and Enhancement Fund, the NH Moose Plate Program, and the Neil & Louise Tillotson Fund.

2009-00080 ELRIDGE, DAN
COLEBROOK Connecticut River

Requested Action:

Dredge and fill 9,600 square feet within the bed and banks of the Connecticut River (impacting approximately 800 linear feet) to install 6 bank protection logjam structures to prevent further lateral bank erosion adjacent to the Colebrook Industrial Park.
Temporarily impact approximately 40,080 square feet for equipment access and to construct the logjam structures.

APPROVE PERMIT:

Dredge and fill 9,600 square feet within the bed and banks of the Connecticut River (impacting approximately 800 linear feet) to install 6 bank protection logjam structures to prevent further lateral bank erosion adjacent to the Colebrook Industrial Park.
Temporarily impact approximately 40,080 square feet for equipment access and to construct the logjam structures.

With Conditions:

1. All work shall be in accordance with plans and revisions by Field Geology Services, as received by DES on January 14, 2009 and March 6, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. The permittee shall designate a qualified fluvial geomorphologist or professional engineer who will be responsible for monitoring and ensuring that the logjams are constructed in accordance with the revised plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. During construction, on-site monitoring shall include turbidity monitoring which includes background sampling as well as a downstream location that is within 1,000 feet of the impact areas.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow conditions.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Within three days of final grading or temporary suspension of work in an area that is in wetlands or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid, and faulty equipment shall be repaired prior to entering surface waters or wetlands.
11. The contractor shall have appropriate oil spill kits readily accessible at all times during construction and each operator shall be trained in their use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
14. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
15. The permittee or a designee shall conduct a follow-up inspection after the first growing season to review the success of the logjams and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the logjams.
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposes to restore and stabilize an actively eroding riverbank by installing in-stream structures made of natural materials.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The purpose of the project is to prevent further erosion and lateral bank instability by installing logjam structures with fluvial geomorphology considerations.
6. The project is funded by DES, NH Fish & Game Dept., US EPA, the Fifteen-Mile Falls Mitigation and Enhancement Fund, the NH Moose Plate Program, and the Neil & Louise Tillotson Fund.

FORESTRY NOTIFICATION

2009-00103 **CRANE, JONATHAN/SUSAN**
LEBANON **Unnamed Stream**

COMPLETE NOTIFICATION:
Orford Tax Map 8/110, Lot# 14B

2009-00470 **LAVASSUR, MICHAEL & LINDA**
GOFFSTOWN **Unnamed Stream**

COMPLETE NOTIFICATION:
Goffstown Tax Map 9, Lot# 43-8

2009-00513 **MORSE, RYAN**
ORFORD **Unnamed Stream**

COMPLETE NOTIFICATION:
Orford Tax Map 8-110, Lot# 14B

2009-00561 **BACON, MALCOLM**
ALBANY **Unnamed Stream**

COMPLETE NOTIFICATION:
Albany Tax Map 6, Lot# 50

2009-00581 **LUSCHER, PAUL**
CENTER HARBOR **Unnamed Stream**

COMPLETE NOTIFICATION:
Center Harbor Tax Map 5-3, Lot# 2

2009-00582 **TANA PROPERTIES LP, C/O Q. PETER NASH**
AMHERST **Unnamed Stream**

COMPLETE NOTIFICATION:
Amherst Tax Map 2, Lot# 26

2009-00583 **KNIGHT, GARY & MICHAEL**
STRAFFORD **Unnamed Stream**

COMPLETE NOTIFICATION:
Strafford Tax Map16, Lot# 27-3

EXPEDITED MINIMUM

2008-00283 PANOPOULOS, JOHN & BARBARA
RYE Atlantic Ocean

Requested Action:

Owner requests to amend existing permit to impact an additional 60 square feet within the 100-foot tidal buffer zone for the installation of two (2) 100-gallon propane tanks.

APPROVE AMENDMENT:

Expand footprint of existing house by 60 sq. ft. and impact an additional 60 sq. ft. to install two (2) propane tanks over an area of previously disturbed upland tidal buffer zone.

With Conditions:

1. All work shall be in accordance with the following plans:
 - a.) By Technical Illustrations dated 2-19-08, as received by DES on February 26, 2008; and,
 - b.) Plans received by DES on April 8, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01318 LITTLETON MASONIC TEMPLE ASSOC
LITTLETON Unnamed Wetland

Requested Action:

Proposal to impact 400 sq. ft. of wetlands for the installation of a crossing for access to uplands and to drill a well.

APPROVE PERMIT:

Dredge and fill approximately 800 sq. ft. of wetlands for the installation of a crossing for access to uplands and to drill a well for the proposed "Masonic Hall". Work in wetlands consists of installation of a proposed 15 in. x 40 ft. culvert associated grading, filling, culvert headwalls and side slope stabilization.

With Conditions:

1. All work shall be in accordance with plans by V. W. Dingman & Sons, dated December 12, 2007 and revised, as received by

DES on March 10, 2009.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program (if applicable).
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. The waterline and associated electrical services for the proposed well shall be installed within the "foot print" of the proposed driveway impacts or installed with no additional impacts to wetlands or surface waters (i.e., direct drilling under wetlands or surface waters and banks). If additional impacts are needed further permitting will be required from the DES Wetlands Bureau before installation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work shall be done during low flow.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Review of documentation in the DES Subsurface Systems Bureau file for the project (Work #200800175) indicates that the lot was created in 1988.
6. It appears the lot was inadvertently indicated as lot 2 from the old subdivision plan, however, the applicant/agent indicated the correct lot (3) on the tax map and provided an abutters notification list with the proper abutters and lots listed.
7. The Conservation Commission signed the expedited application waiving their right to intervene on the proposed project.

Requested Action:

Proposed reconsideration of untimely denial to impact 150 sq. ft. of wetlands for the installation of a crossing for access to drill a well.

APPROVE RECONSIDERATION:

Approve reconsideration of untimely denial to impact 150 sq. ft. of wetlands for the installation of a crossing for access to drill a well.

With Findings:

1. The application was denied untimely on February 9, 2009.
 2. A request for reconsideration was received on March 10, 2009.
- A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The agent missed the December 12, 2008 deadline of the Request for More Information letter ("RFMI"), issued by the Department on August 14, 2008 because he was in the "V.A. Hospital" having two stents placed in his heart.
2. The agent provided the department with the medical documentation.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable.
4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the department must follow when processing applications and establishes deadlines by which decisions must be made.
2. The subject application was received July 17, 2008 and was determined to be administratively complete on July 17, 2008.
3. By letter dated August 14, 2008, the department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI").
4. The Department did not receive a response to the RFMI within the 120 days of the request per RSA 482-A:3, XIV(b).
5. Based on RSA 482-A:3, XIV(b) the department denied the application because the issues raised in the RFMI were not addressed.
6. The request for reconsideration suggests that the department's decision was erroneous because the agent was physically unable to respond to the department's request.
7. The agent has met his burden of proving that the department's decision was unreasonable because he was physically unable to respond by the required deadline due to being in the hospital having heart surgery.

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2008-01318.

2009-00036 PERKINS, TODD
SEABROOK Tidal Buffer

Requested Action:

Impact 160 square feet within the previously developed 100-foot tidal buffer zone to construct a 10 foot by 16 foot storage shed on a single family residential lot.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 160 square feet within the previously developed 100-foot tidal buffer zone to construct a 10 foot by 16 foot storage shed on a single family residential lot.

With Conditions:

1. All work shall be in accordance with plans received by DES on March 13, 2009.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00209 FITTS, ARTHUR & GEOFFREY
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair an existing 6 ft x 35 ft piling supported dock connected to a 4 ft x 56 ft piling supported dock by a 15 ft x 14 ft piling supported walkway on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 6 ft x 35 ft piling supported dock connected to a 4 ft x 56 ft piling supported dock by a 15 ft x 14 ft piling supported walkway on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Luke Freudenberg dated March 05, 2009, as received by DES on March 13, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 178 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-00365 SUNAPEE FAMILY TRUST, JESSICA SQUIRES TTEE
NEW LONDON Lake Sunapee

Requested Action:

Construct a 6 ft x 40 ft seasonal dock immediately adjacent to an existing 12 ft x 12 ft permanent dock supported by a 12 ft x 8 ft crib on an average of 344 ft of frontage on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

DENY PERMIT:

Construct a 6 ft x 40 ft seasonal dock immediately adjacent to an existing 12 ft x 12 ft permanent dock supported by a 12 ft x 8 ft crib on an average of 344 ft of frontage on Lake Sunapee, Sunapee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(d), "construction or modification of any docking system that: (3) exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04."
3. In accordance with Env-Wt 402.13 "Frontage Over 75'. There shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use.
4. In accordance with Env-Wt 402.06 "Permanent Docks, an application for a permanent dock shall be approved only when an applicant establishes that the proposed site for the dock is exposed to a design fetch of at least 1 mile between compass headings 245 to 340 degrees, or a design fetch of at least 2 miles between compass headings 341 to 0 or 0 to 244 degrees, as measured from true north."
5. In accordance with Env-Wt 402.03 "Dimensions, (a) Approvable standard dimensions for a dock shall not exceed the following dimensions: (1) In lakes and ponds of 1,000 acres or more: b. For permanent docks, a deck width of 6 feet and deck length of 30 feet, measured from normal high water mark."

Findings of Fact

1. On March 04, 2009, the Wetlands Bureau received a Minimum Impact Expedited Application for surface water impacts on the lot identified as Sunapee tax map 91, lot 23, to construct a 6 ft x 40 ft seasonal dock immediately adjacent to an existing 12 ft x 12 ft permanent dock supported by a 12 ft x 8 ft crib on an average of 344 ft of frontage on Lake Sunapee, Sunapee.
2. The local Conservation Commission signed the Minimum Impact Expedited Application on March 03, 2008.
3. In accordance with Env-Wt 402.13, the applicant has sufficient frontage to provide 5 slips.

4. The frontage does not meet the fetch requirements for a permanent dock, therefore the existing permanent dock is a non-conforming structure on the frontage.
5. The applicant previously applied for a seasonal dock with DES Wetlands file 2007-2371. During the review of this application the applicant was asked to reduce the 12 ft x 12 ft docking structure to 6 ft in width to meet the existing rules. The application was denied due to the Applicant's failure to respond to the Request for More Information letter dated December 26, 2008.

Rulings in Support of Denial

1. The existing docking facility fails to meet the criteria set forth in Env-Wt 402.03, and Env-Wt 402.06 and, therefore, is a non-conforming structure.
2. The location of the proposed pier 6 inches from the existing non-conforming structure is subversive to the purpose and intent of Env-Wt 402.21, Modification of Existing Structures, and, therefore, this application is denied.

2009-00455 EASTERN SHORES CONDO, C/O MIKE MANCINI LACONIA Lake Winnepesaukee

Requested Action:

Repair an existing permitted 6 ft x 46 ft 8 in piling supported dock with a 6 ft x 83 ft 9 in piling supported wharf along the shore with three 4 ft x 30 ft seasonal piers extending lakeward, and 5 tie off piles on 415 of frontage on Lake Winnepesaukee, Laconia.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing permitted 6 ft x 46 ft 8 in piling supported dock with a 6 ft x 83 ft 9 in piling supported wharf along the shore with three 4 ft x 30 ft seasonal piers extending lakeward, and 5 tie off piles on 415 of frontage on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated February 25, 2009, as received by DES on March 18, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no

change in size, location or configuration.

2. The applicant has an average of 482 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 9 slips as defined per RSA 482-A:2, VII, however this is less than the previously grandfathered 10 slips, and therefore meets Rule Env-Wt 402.21.

GOLD DREDGE

2009-00574 FRALICK, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

TRAILS NOTIFICATION

2008-02719 MONADNOCK CONSERVENCY CRAMBURY TRAIL, CYRUS GREGG
PETERBOROUGH

COMPLETE NOTIFICATION:
Peterboro Tax Map U1, Lot# 1-10

LAKES-SEASONAL DOCK NOTIF

2009-00566 SMITH, JUDITH
PELHAM Little Island Pond

COMPLETE NOTIFICATION:
Pelham, NH Tax Map 31 Lot 228 and Map 31 Lot 229
Little Island Pond

2009-00572 CAMPBELL, WALTER & BETH
CENTER CONWAY Conway Lake

COMPLETE NOTIFICATION:
Center Conway, NH Tax Map 274 Lot 29-1
Conway Lake

2009-00573 LECLERC, RICHARD & BEVERLY
CAMBRIDGE Umbagog Lake

COMPLETE NOTIFICATION:

Cambridge, NH Tax Map 205 Lot 1
Umbagog Lake

X-SHORELAND VARIANCE / WA

2007-02543 FATICANTI, FRANK
NORTHFIELD Winnepesaukee River

Requested Action:

Applicant requests reconsideration of the Department's November 27, 2007 decision to deny the application on the basis of a revised more nearly conforming proposal submitted.

Inspection Date: 11/15/2007 by Thomas Gilbert

APPROVE RECONSIDERATION:

Reconsider and approve the request to: Raze an existing garage and add 700 sq ft to an existing primary structure located within the primary building setback on property with approximately .16 acres on Winnepesaukee River in Belmont.

With Conditions:

1. All work shall be in accordance with plans by Harold Johnson, Inc with annotations by Frank Faticanti as received by the Department of Environmental Services ("DES") on March 31, 2009.
2. This approval includes a waiver of RSA 483-B:9, II and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. No new impervious surfaces shall be constructed until the Garage has been completely removed and the proposed plantings have been completed as shown on the approved plans.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an increase of 516 sq ft of impervious surface.

4. The applicant has proposed to construct 5 berms to divert surface water runoff, plant saplings to improve the vegetated buffer, and install downspouts and drip edges to improve storm water, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

PERMIT BY NOTIFICATION

2009-00364 **PORTLAND PIPE LINE CORPORATION**
RANDOLPH **Moose River**

Requested Action:

Disqualify permit by notification to remove 1.5 diameter bends in pipeline and replace with broader diameter bends.

Conservation Commission/Staff Comments:

Randolph Conservation Com. does not waive its right to intervene.

PBN DISQUALIFIED:

Remove 1.5 diameter bends in pipeline and replace with broader diameter bends.

With Findings:

1. A notice of incompleteness dated March 17, 2009 addressed to the applicant or agent of record, clearly identified the applicant is required to submit additional information to DES within 20 days of the notice.
2. Pursuant to Env-Wt 506.02(g), if the requested additional information is not received by DES within 20 days of the notice, DES shall disqualify the notification.
3. DES did not receive the requested additional information within the 20 days and therefore the notification has been disqualified.

2009-00451 **TUITE, JOHN/MARSHA**
LITTLETON **Unnamed Wetland**

Requested Action:

Impact 835 sq. ft. of wetlands for access to rear of lot and proposed leachbed; and installation of a sewer line.

PBN IS COMPLETE:

Impact 652 sq. ft. of wetlands for access to rear of lot and proposed leachbed; and installation of a sewer line.

With Findings:

1. This project meets the criteria Env-Wt 506.01 (a)(8) The installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses that meets the criteria in Env-Wt 303.04(z);
2. Access is needed to the leachbed and rear of the lot.
3. The cumulative wetland impacts for the property is 2652 sq. ft. File number 2008-02053 was for 2000 sq. ft.
4. Plan revisions minimized the impacts by reducing the road width.

2009-00603 **WALLACE, GEORGE & JANICE**
SALEM **Arlington Pond**

Requested Action:

Repair of existing retaining wall.

Conservation Commission/Staff Comments:

Con Com signed PBN on April 06, 2009

With Findings:

Complete PBN pursuant to Env-Wt 303.04(c) repair of existing retaining wall.

CSPA PERMIT

2009-00022 BROWN, SCOTT
PITTSBURG Back Lake

Requested Action:

Impact 784 sq ft for the purpose of replacing an existing foundation that is beginning to fail.

DENY PERMIT:

Impact 784 sq ft for the purpose of replacing an existing foundation that is beginning to fail.

With Findings:

1. A request for additional information dated January 23, 2009, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-00045 YANKEE CLIPPER COUNCIL, C/O RICHARD PREBLE
KINGSTON Country Pond

Requested Action:

Impact 2500 sq ft for the purpose of constructing a bath/shower facility and installing the supporting septic system.

APPROVE PERMIT:

Impact 2500 sq ft for the purpose of constructing a bath/shower facility and installing the supporting septic system.

With Conditions:

1. All work shall be in accordance with plans by SEC Associates revised January 7, 2009 and received by the Department of Environmental Services ("DES") on March 17, 2009
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).

5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant or there designated agent hereby requests an administrative rule wavier of Env-Wq 1406.12(h) under Env-Wq 1413.04 (a)(2)(b).
2. The lot of record is approximately 124 acres with 2,300' of shoreline.
3. The project as proposed would add approximately 68.0 sq ft of impervious surface area to the site and 2,500 sq ft of temporary impacts associated with the installation of the proposed septic system.
4. No portion of the proposed project is closer than approximately 192' from the reference line.
5. As compliance with Env-Wq 1406.12(h) would require the added expense of a complete survey of the 2,300' of shoreline at no benefit to the public, the request for the rule wavier is granted.

2009-00164 HEBERT, DAVID
LACONIA Lake Opechee

Requested Action:

Impact 260 sq ft to construct an open deck.

APPROVE PERMIT:

Impact 260 sq ft to construct an open deck.

With Conditions:

1. All work shall be in accordance with plans submitted by Gary Cartier of Cartier Construstruction received by the Department of Environmental Services ("DES") on January 30, 2009.
2. No more than 7.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 13724.7 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4076.6 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00174 BISSON, ARLENE REVOCABLE TRUST
MILTON Northeast Pond

Requested Action:

Impact 4312 sq ft for the purpose of construct a garage and removing portions of the existing driveway.

APPROVE PERMIT:

Impact 4312 sq ft for the purpose of construct a garage and removing portions of the existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates Inc. revised March 16, 2009 and received by the Department of Environmental Services ("DES") on March 26, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 19.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 1,363 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,363 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00287 HANNIBAL, TIMOTHY
ANDOVER Highland Lake

Requested Action:

Impact 730 sq ft for the purpose of removing a single family dwelling with a deck and constructing a single family dwelling and deck within the existing footprint and installing a new septic system.

APPROVE PERMIT:

Impact 730 sq ft for the purpose of removing a single family dwelling with a deck and constructing a single family dwelling and deck within the existing footprint and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Beaver Brook Environmental Consultants LLC dated January 19, 2009 and received by the Department of Environmental Services ("DES") on February 19, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas

to remain unaltered.

4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 7.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00355 ROBINETTE, MICHAEL/MURIEL
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 1,346 sq ft for the purpose of constructing an addition onto an existing A-Frame primary structure.

APPROVE PERMIT:

Impact 1,346 sq ft for the purpose of constructing an addition onto an existing A-Frame primary structure.

With Conditions:

1. All work shall be in accordance with plans by New England Envirostrategies Inc. dated March 2009 and received by the Department of Environmental Services ("DES") on March 20, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 1.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 43,488 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 21,700 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00368 DONNELLY, JOSEPH & JOANN
ASHLAND Squam River

Requested Action:

Impact 1149 sq ft for the purpose of repairing existing retaining walls and concrete pad within the same footprint and seeding and loaming an existing sandy area for soil stabilization.

APPROVE PERMIT:

Impact 1149 sq ft for the purpose of repairing existing retaining walls and concrete pad within the same footprint and seeding and loaming an existing sandy area for soil stabilization.

With Conditions:

1. All work shall be in accordance with plans by Anthony Randall LLS dated February 2009 and received by the Department of Environmental Services ("DES") on March 4, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 12.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00388 LACAILLADE REVOC TRUST 1992, MARK
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Impact 4,054 sq ft for the purposes of constructing a screened porch and an open porch onto an existing single-family dwelling and adding an addition onto the 2nd floor.

APPROVE PERMIT:

Impact 4,054 sq ft for the purposes of constructing a screened porch and an open porch onto an existing single-family dwelling and adding an addition onto the 2nd floor.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey CO INC dated March 6, 2009 and received by the Department of Environmental Services ("DES") on March 9, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 14.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 10,700 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00465 FRANKLIN, CITY OF
FRANKLIN Griffin Beach/webster Lake

Requested Action:

Impact 15,000 sq ft for the purpose of re-surfacing an existing gravel parking lot with a porous pavement and installing rain gardens and a bio-retention swale.

APPROVE PERMIT:

Impact 15,000 sq ft for the purpose of re-surfacing an existing gravel parking lot with a porous pavement and installing rain gardens and a bio-retention swale.

With Conditions:

1. All work shall be in accordance with plans by VHB dated March 18, 2009 and received by the Department of Environmental Services ("DES") on March 19, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. There shall be no impacts to native vegetation associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
8. No more than 1.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00518 BROWNE FAMILY TRUST
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 3,920 sq ft for the purpose of installing a state approved septic system.

APPROVE PERMIT:

Impact 3,920 sq ft for the purpose of installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated March 24, 2009 and received by the Department of Environmental Services ("DES") on March 27, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 14.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 6,940 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,940 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2009-00198 TARDIFF, JOSEPH & KATHI
ACWORTH Crescent Lake

Requested Action:

Impact 930 sq ft to demolish part of an existing non-conforming structure and rebuild on the same footprint.

Inspection Date: 04/02/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 930 sq ft to demolish part of an existing non-conforming structure and rebuild on the same footprint.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the

primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Mr. Tardiff and LaValley Building Supply Inc. dated November 6, 2008 and received by the Department of Environmental Services ("DES") on March 19, 2009.
2. No more than 12.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,041 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This approval includes a waiver RSA 483-B:9(II)(b) and, therefore, shall not be effective until it has been recorded at the Sullivan County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
10. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Crescent Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an increase in impervious surfaces from 11.9% to 12.9%.
4. The applicant has proposed to install drip edges to improve stormwater management, and plant native low bush blueberries to improve wildlife habitat, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00227 ZECHEL, M
RYE Atlantic Ocean

Requested Action:

Impact 97,300 sq ft to remove existing commercial facilities, parking areas, driveways, and other associated structures from two lots, upgrade road in right of way, and construct 8 new single family dwellings with septic systems and driveways within the protected shorelands along the Atlantic Oceans and associated saltmarshes.

APPROVE PERMIT:

Impact 97,300 sq ft to remove existing commercial facilities, parking areas, driveways, and other associated structures from two lots, upgrade road in right of way, and construct 8 new single family dwellings with septic systems and driveways within the protected shorelands along the Atlantic Oceans and associated saltmarshes.

WAIVER APPROVED: RSA 483-B:9, II, RSA 483-B:9, V,(e),(2), and RSA 483-B:9, V,(g) to allow the redevelopment and conversion of a commercial property to residential use.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering, Inc. received by the Department of Environmental Services ("DES") on February 23, 2009, March 9, 2009, and March 10, 2009.

2. All actions associated with the installation of the proposed septic system and subdivision of lands are contingent on approval by the DES Subsurface Systems Bureau.
3. This approval includes waivers of RSA 483-B:9, II, RSA 483-B:9, V,(e),(2), and RSA 483-B:9, V,(g) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain Condition # 5 of this approval.
5. No more than 30.6% of the combined area of the two lots within the protected shoreland shall be covered by impervious surfaces.
6. No areas between 50 and 150 ft from the reference line currently in an unaltered state shall be altered as a result of this project in order to comply with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structures are located within the 50 ft primary building setback to the Atlantic Ocean and cover 40.1 percent of the lot with impervious surfaces and, therefore, fail to conform to the setback restriction set forth in RSA 483-B:9, II, and the impervious surface limits set forth in RSA 483-B:9, V, (g) of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in improved traffic flow and safety due to the conversion of use from a restaurant to 8 individual homes, a 13,695 sq ft reduction in impervious surface area, a significant decrease in on-site septic loading, and improved stormwater control and treatment through the construction of detention structures and vegetated swales.
4. The applicant has proposed to improve stormwater control by reducing impervious surfaces and constructing stormwater management and treatment structures, improve wastewater treatment by constructing new subsurface systems and reducing loading, and improve traffic volume and flow, and therefore, meets the requirements for waivers to RSA 483-B:9 as described in RSA 483-B: 11, I.